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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,465	04/06/2001	Tetsuo Kani	450100-03125	6159

20999 7590 08/11/2005

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EXAMINER	
NGUYEN, HUY THANH	
ART UNIT	**PAPER NUMBER**
2616	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/827,465	KANI ET AL.	
	Examiner	Art Unit	
	HUY T. NGUYEN	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,7-9 and 12* is/are rejected.

7)☒ Claim(s) *4-6 and 10-11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al (5,841,939).

Regarding claim 1, Takahashi discloses a program length extending or shortening device for extending or shortening the program length of a material video program to produce a target video program, said device comprising;

storage means for storing an image of said material video program reproduced and supplied from a predetermined recording medium by a reproducing device; and

extending or shortening control means for extending or shortening the program length of said material video program to produce said target video program by skipping or reading duplicately an image of said material video program from said storage means in accordance with a program length extending ratio N (extending N times) that is based

on the program lengths of said material video program and said target video program (column 3, lines 64 to column 4, line 5).

Regarding claims 2, Takahashi teaches the program length extending or shortening device according to claim 1 wherein said extending or shortening control means extends or shortens the program length of said entire material video program to produce said target video program by dividing said material video program into units (frames) of editing composed of-a plurality of images, and extending or shortening the program length for each of said units of editing.

Regarding claim 3 , Takahashi teaches the program length extending or shortening device according to claim 2 wherein said extending or shortening control means chooses the number of images constituting each of said units of editing such that the amount of extending or shortening each of said units of editing is equal to or less than the capacity of said storage means since the number of the images of units for extending can be stored and readout from the memory (column 4).

Method claims 7-9 correspond to apparatus claims 1-3. Therefore method claims 7-9 are rejected by the same reason as applied to apparatus claims 1-3.

3. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakajima et al (5,754,728).

Regarding claim 1, Nakajima discloses a program length extending or shortening device (Figs. 2,5, 17-18) for extending or shortening the program length of a material video program to produce a target video program, said device comprising; storage means for storing an image of said material video program reproduced and supplied from a predetermined recording medium by a reproducing device; and extending or shortening control means for extending or shortening the program length ((reducing reproduction n time of the program by a high speed reproduction) of said material video program to produce said target video program by skipping or reading duplicately an image of said material video program from said storage means in accordance with a program length extending ratio that is based on the program lengths of said material video program and said target video program (columns 3 and 4).

Regarding claim 2, Nakajima further teaches the program length extending or shortening device according to claim 1 wherein said extending or shortening control means extends or shortens the program length of said entire material video program to produce said target video program by dividing said material video program into units (frames) of editing composed of-a plurality of images, and extending or shortening the program length for each of said units of editing.

Regarding claim 3, Nakajima further teaches the program length extending or shortening device according to claim 2 wherein said extending or shortening control means chooses the number of images constituting each of said units of editing such that the amount of shortening each of said units of editing is equal to or less than the

capacity of said storage means since the images of units for shortening are stored in the memory and readout from the memory ..

Method claims 7-9 correspond to apparatus claims 1-3. Therefore method claims 7-9 are rejected by the same reason as applied to apparatus claims 1-3.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Yamasaki et al (5,731,922).

Regarding claim 12, Takahashi discloses a program length adjusting system (Figs. 1-4) for producing a target video program by extending or shortening the program length of a material video program, said system comprising;

a reproducing device for reproducing said material video program recorded on a predetermined recording medium;

a program length extending or shortening device for extending or shortening the program length of said material video program to produce said target video program by storing said material video program supplied by said reproducing device in storage means, and

skipping or reading duplicately an image of said material video program from said storage means in accordance with a program length extending or shortening ratio that is based on the program lengths of said material video program and said target video program (column 3, lines 64 to column 4, line 5).

Takahashi fails to teaches using a recording device for recording target video program . Yamasaki teaches a system having recording device for recording edited video program reproduced by a reproducing device on a recording medium (Fig. 1 , column 3, lines 30-55) . It would have been obvious to one of ordinary skill in the art to modify Takahashi with by Yamasaki by using a recording device taught by Yamasaki with the system of Takahashi for recording the target video program as an edited video program on a medium for later viewing.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al (5,754,728) in view of Yamasaki et al (5,731,922).

Regarding claim 12, Takahashi discloses a program length adjusting system (Figs. 2,5 17-18) for producing a target video program by extending or shortening the program length of a material video program, said system comprising;

a reproducing device for reproducing said material video program recorded on a predetermined recording medium;

a program length extending or shortening device for extending or shortening the program length (reducing the reproduction time of the program by a high speed reproduction) of said material video program to produce said target video program by storing said material video program supplied by said reproducing device in storage means, and

skipping or reading duplicately an image of said material video program from said storage means in accordance with a program length extending or shortening ratio that is based on the program lengths of said material video program and said target video program (columns 3-4).

Takahashi fails to teaches using a recording device for recording target video program . Yamasaki teaches a system having recording device for recording edited video program reproduced by a reproducing device on a recording medium (Fig. 1 , column 3, lines 30-55) . It would have been obvious to one of ordinary skill in the art to modify Takahashi with by Yamasaki by using a recording device taught by

Yamasaki with the system of Takahashi for recording the target video program as an edited video program on a medium for later viewing.

Allowable Subject Matter

7. Claims 4-6 and 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HUY NGUYEN
PRIMARY EXAMINER